



CITY OF
ISSAQUAH
WASHINGTON

**Community Planning &
Development Department**

P.O. Box 1307
Issaquah, WA 98027
425-837-3100

City of Issaquah
Community Planning and Development Department
Notice of Decision

TO: Sarah Kinsley
4637 189th PI SE
Issaquah, WA 98027
(253) 820-2107

PROPERTY OWNER: Garrett O & Sarah F Kinsley
4637 189th PI SE
Issaquah, WA 98027

PROJECT: Sarah Kinsley Physical Therapy

FILE NO.: HO21-00001

DECISION DATE: March 9, 2022

REQUEST: Application for a Home Occupation permit to operate an in-home physical therapy business. Parking will be provided in the driveway.

LOCATION: 4637 189th PI SE, Issaquah, WA

**COMPREHENSIVE PLAN
DESIGNATION:** Low Density Residential

PARCEL NUMBER(S): 543740-0480

ZONING: Single Family-Small Lot (SF-SL)

DECISION:

On March 9, 2022, the Community Planning and Development Department conditionally approved the Home Occupation for the above proposal. Approval of this application is based on the submittal of February 18, 2022, and the following conditions:

1. The applicant shall maintain active a City of Issaquah Business License from the City of Issaquah Permit Center.
2. Clients visiting this property must park in the driveway.

PUBLIC COMMENT(S):

This proposal is a Level 2 review, which requires notice to property owners within 300-feet of the site. A Notice of Application providing an opportunity for public comment was mailed to owners on November 23, 2021, and the comment period ended December 7, 2021. The City received written comments, which included concerns about the proposal's compliance with homeowner association (HOA) regulations and impacts to surrounding properties. The following is a summary of the public comments received and staff responses. All public comments received can be reviewed under Exhibit 6.

Comment: The home occupation will be located within the Meerwood residential development. Per the HOA's Covenants, Conditions, and Restrictions (CC&R), in-home businesses are prohibited. A few residents are concerned the proposal does not comply with the approved CC&Rs and does not align with the character of the neighborhood.

Response: All applicants conducting business within the Issaquah city limits are required to comply with all applicable city, state, and federal regulations, in addition to HOA CC&Rs. It is the applicant's responsibility to ensure compliance with all applicable rules and regulations prior to operating the business.

In some situations, CC&Rs can be more restrictive than city codes, which is the case for this proposal. However, if the proposal complies with City code but not the HOA CC&Rs, it is the responsibility of the HOA to enforce the rules, not the City. Staff determinates a proposal's compliance with City Code. Please see below for approval criteria and reasons for the decision.

Comment: A neighbor believes access along the east side of the home will increase sightlines into the side and back yard including windows into the home. They are concerned the business will reduce their privacy.

Response: The applicant has revised the proposal and will no longer be operating out of a detached structure in the backyard. Instead, business operations will occur within the home and customers will be entering through the front door.

Comment: Concerned residents would like to know if a business plan was provided to the City for review and how the City can assess the business without this information.

Response: A business plan was not provided to the City for review, as this is not a required submittal document. City staff reviewed the proposal for compliance with the approval criteria listed under IMC 10.07.470.C. To see reasons for the decision, please see below.

REASON FOR THE DECISION:

1. The site is zoned Single Family-Small Lot (SF-SL). Home Occupations are permitted in this zoning designation by a Level 2 Review (with notice to property owners within 300 feet of the site) per the Table of Permitted Home Occupations, Section 18.07.470.
2. The requested home occupation, physical therapist, is not specifically mentioned in the Table of Permitted Home Occupations, Section 18.07.470. However, massage therapy is listed. Per IMC 18.06.050.A.3, "[t]hose uses which are omitted from the table shall be evaluated by the Planning Director/Manager as to the appropriate zoning district for that use and the appropriate level of review." Massage therapy is the most closely related use and is considered an allowed use.
3. Client/customer visitation associated with any permitted home occupation is authorized to be reviewed under the Level 2 Home Occupation Permit process per Table of Permitted Home Occupations-Table 18.07.470 of the Issaquah Land Use Code.
4. Section 18.07.470.B of the Issaquah Land Use Code states that home occupations are permitted as an accessory use to the residential use of the dwelling when all the approval criteria are met. Following are the approval criteria from the Land Use Code, and then, italicized, how the Home Occupation will meet these criteria. *City response appears in italics.*

- 1) **Accessory Use:** The home occupation is incidental and subordinate to the primary use of the structure as a dwelling. No more than twenty-five percent (25%) of the gross floor area of the residence or accessory building (up to 500 square feet) may be used for the home occupation.

The applicant is proposing to operate the use out of their home. The area used for the home occupation will not exceed the requirements stated above.

- 2) **Buffers Needed:** The following home occupations shall have enough acreage to ensure adequate buffers so that the neighborhood is not negatively impacted. Buffering shall be determined on a case-by-case basis by the Planning Director/Manager, given the proposed extent of the home occupation and the size and characteristics of the specific parcel:
 - 1) Commercial Hobby Farms;
 - 2) Kennels; or
 - 3) Animal Breeding.

Not Applicable.

- 3) **Business License Required:** No person shall carry on a home occupation, or permit such use to occur on property which he/she owns or is in lawful control, without first obtaining a City of Issaquah Business License.

As required in the conditions above in the "Decision Made" section, the applicant is required to maintain the active status of the business license from the City of Issaquah.

- 4) **Family Day Care Providers and Adult Family Homes:** Family day care center and adult family home operators shall obtain all applicable licenses, registrations and permits from the State Department of Social and Health Services (DSHS). Proof of state licensing shall be required to obtain a City of Issaquah Business License.

Not Applicable.

- 5) **Electrical Equipment:** The home occupation does not require the use of electrical equipment that exceeds typical standards for residential use.

The proposal does not require the use of electrical equipment that exceeds typical standards for residential use.

- 6) **Employees:** The home occupation is conducted primarily by family members residing in the dwelling.

The home occupation is being conducted primarily by the homeowner.

- 7) **Environmental Impacts:** The home occupation shall not negatively affect any aspect of the environment.

All activities will occur indoors, and the home occupation will not negatively affect the environment.

- 8) **External Alterations:** There are no external alterations to the building that change its character from a residential dwelling.

The home occupation proposes no external alterations.

- 9) **Fire Rating:** The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure.

The home occupation will not require the use of electrical or mechanical equipment that would change the fire rating of the structure.

- 10) **Kennels and Animal Breeding:** All kennels and animal breeding facilities that are developed after the effective date of this Code shall provide only indoor boarding facilities. If overnight boarding services are provided, the facilities must be soundproofed to minimize noise impacts to the surrounding properties.

Not Applicable.

- 11) **Outside Storage or Display:** There is no outside storage or display of any kind related to the home occupation. Play equipment for day care operations is not considered outdoor storage or display.

There will be no outside display or storage for this home occupation.

- 12) **Primary Residence:** The home occupation is conducted inside a dwelling, or inside an approved detached building to a dwelling, which is the primary residence of the principal practitioner.

The home is the primary residence of the applicant, Sarah Kinsley, and the business will be operating out of the home. As a condition of approval, the applicant is required to obtain an approved Building Permit prior to operating the business.

- 13) **Production Line Equipment Not Permitted:** Automated or production line equipment shall not be used at the home occupation site. All stock in trade that is produced on site for resale purposes must be produced by hand.

Not Applicable.

- 14) **Residential Character:** The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors. In addition, the refuse/recycling location and container sizing for the single family home shall continue according to the residential requirements.

The business will maintain the residential character, and all activities will occur indoors.

- 15) **Sign/Nameplates:** A nameplate may display the name of occupant and/or the name of the home occupation. The nameplate shall be attached to the dwelling and shall not exceed two (2) square feet in area. The nameplate shall be compatible with the architectural character of the neighborhood and shall not be illuminated or backlit. Only one (1) nameplate shall be allowed. In cases where the home is not visible from the street, the nameplate may be placed near the road on the owner's property, but not in the right-of-way.

The applicant is proposing to have one 6" x 12" sign for the home occupation. The proposal complies with the sign requirements.

- 16) **Traffic Trips:** The home occupation, by itself, shall not generate more than twenty (20) vehicular trips a day. As used here, a trip is considered either the arrival or the departure of a vehicle from the household. For example, one (1) vehicle making a delivery and then leaving immediately is considered two (2) trips.

The applicant is proposing to generate 12 trips per day, which is within the 20-trip limit.

- 17) **Water/Sewer Use:** The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.

The home occupation will not significantly increase the usage of water and sewer.

- 18) **Additional Conditions:** In granting approval for a home occupation, the City may attach additional conditions to ensure the home occupation will not be detrimental to the character of the residential neighborhood. Any home occupation authorized under the provisions of this Code shall be open to inspection and review at all reasonable times by an authorized City Official for purposes of verifying compliance with the approval criteria and other Code provisions.

Additional conditions have been placed on the application, including parking limitations.

EXPIRATION OF LAND USE PERMIT

The final decision approving the Administrative Site Development Permit is valid for 3 years as specified by IMC 18.04.220-D, or as amended by the Land Use Code.

APPEAL PERIOD

Section 18.04.250 provides the opportunity to appeal a decision for a Home Occupation. An Open Record appeal of this decision shall follow the procedures set forth in IMC 18.04.250 of the Land Use Code and shall be heard by the City's Hearing Examiner. A letter of appeal shall include the reason for the appeal and a \$1,500 filing fee, which is required of appeals. All appeals shall be filed with the Community Planning and Development Department by 5:00 PM on March 23, 2022.

For further information on the appeal procedure or if you have any questions regarding this Notice of Decision, please contact Valerie Porter at valeriep@issaquahwa.gov or (425) 837-3094.

EXHIBIT LIST:

1. Land Use Permit Application, received on November 5, 2021
2. Project Narrative, received on November 5, 2021
3. Affidavit of Ownership, received on December 29, 2021
4. Declaration of Service of Mailing, date November 23, 2021
5. Public Comments

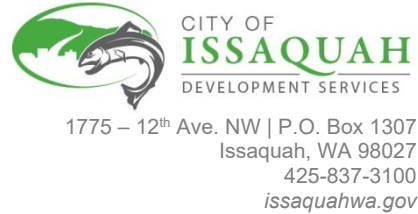


Valerie Porter, Associate Planner
Community Planning and Development Department

3/9/22

Date

LAND USE PERMIT APPLICATION



This Section For Staff Use Only

Permit Number: _____
Staff Contact: _____

Date Received: _____

Type of Application: Home Occupation 1 and 2

PROJECT INFORMATION

Name of Project (if applicable): Sarah Kinsley Physical Therapy, LLC

Project Site Address: 4637 189th PL SE

Parcel Number: 5437400480

OWNER

Name: Garrett O & Sarah F Kinsley

Address: 4637 189th PL SE

Phone: 253-820-2107 Email: sarahafoss@gmail.com

APPLICANT

Name: Sarah Kinsley

Address: 4637 189th PL SE

Phone: 253-820-2107 Email: sarahafoss@gmail.com

CONTACT

Name: Sarah Kinsley

Address: 4637 189th PL SE

Phone: 253-820-2107 Email: sarahafoss@gmail.com

PROPOSED PROJECT DESCRIPTION

Please provide a brief description of the project. (Use an additional sheet of paper, if necessary.)

I am a licensed physical therapist that will be providing skilled physical therapy intervention, such as massage and joint mobilizations, to clients out of a shed in the backyard. It is 96 square feet. I am an orthopedic womens health specialist and I will work very part time. Clients can park in our driveway and I escort them to our backyard through the fence gate. I plan to see 6-12 one hour appointments per week, 8 on average. There will not ever be more than 6 clients in one day visiting the property for appointments, and on average 4 clients will visit twice per week. Clients will come one at a time and will never have more than one car parked for their one hour appointment. The hours of operation will be primarily Tuesday and Thursdays from 9:30am-5:30pm. The neighboring houses will not be affected by cars taking up street parking, except for intermittently one car parked on the street. Neighboring houses will not be affected by noise. We had the shed approved by our HOA prior to installation and is painted the same color as our house. It is set in the middle of our yard, well over 6 feet from any fence.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that all application information, including plans and reports, are true and complete to the best of my knowledge. I understand the lead agency is relying on them to make its decision.

Signature: Janh Kuz Date: 10/30/21

PROJECT SITE INFORMATION

Legal Description: (Use an additional sheet of paper, if necessary.)

Zoning Designation: _____

Land Use Designation: _____

Subarea Designation: _____

Shoreline Designation, if applicable: _____

Existing Land Use: _____

Adjacent Land Uses North: _____

South: _____

East: _____

West: _____

Area in square feet: _____

Does the site contain any of the following environmentally critical areas? Check all that apply.

☐ Flood Hazard Area

☐ Landslide Hazard Area

☐ Streams

☐ Wetlands

☐ Steep Slope Hazard Area

☐ Coal Mine Hazard Area

PROPOSED DEVELOPMENT STATISTICS

Proposed Land Use: _____

Density (multifamily only): _____

Impervious Surface Ratio: _____

Pervious/Landscaping/Open Space Provided (in square feet): _____

Maximum Proposed Building or Structure Height: _____

Total Proposed Building Square Footage (Gross Area): _____

Proposed Setbacks Front: _____

Rear: _____

Side: _____

Parking Spaces Provided: 1-2

Home Occupation Narrative

This narrative is written by me, Sarah Kinsley, the business owner of Sarah Kinsley Physical Therapy, LLC and one of the owners of the 4637 189th PL SE property where the business takes place.

I will provide valuable and skilled physical therapy intervention to clients in the Issaquah and general eastside area. I will provide treatments in a room that is 115 sq feet on the ground floor of our home. The space is quiet, clean, and professional, making it conducive to me and my clients. Given the current state in our world with Covid, this space is much more comfortable for those clients and myself whom do not want to be in contact with multiple other employees and all of their cliental. The room also provides for more airflow with large windows on one wall, which can be left open for those clients who are immunocompromised and desire this option. I am a women's pelvic health and orthopedic specialist. I use manual techniques, exercise, neuromuscular re-education and education to help my clients become the most functional versions of themselves. This business will not change the character or privacy of the neighborhood. With the addition of 5-12 appointments per week, our household will still generate less traffic than most houses on our street and neighborhood. We limit our deliveries and are not doing construction or have visitors like many of our neighbors. We have discussed this business plan with our immediate cul de sac neighbors who have all verbally given their support to this endeavor. We are working with our HOA on changing out of date HOA CCR's. We have supplied the HOA president with two of our immediate neighboring HOA's who do allow in home occupations. Meerwood HOA has CCR's that are out of date such as disallowing sheds, yet most every neighbor, including ourselves, have been approved a shed from the HOA. I plan to continue to work with the HOA on updating these CCR's to better represent the majority of the HOA members. How I meet all approval criteria per IMC 18.07.470:

- 1) The space is approximately 115 sq feet, much less than 25% of the square footage of the house and less than 500 square feet per IMC 18.07.470. The total square footage of the house is 2,110 sq ft, which make this room about 18% of the house.
- 2) No buffer needed for physical therapy business per IMC 18.07.740.
- 3) Sarah Kinsley Physical Therapy, LLC business license through Washington State is attached in document section. The UBI number is 604697596
- 4) N/A-not adult family home or family day care
- 5) I do not exceed typical standards for residential use. I use air conditioning in the summer and have lighting.
- 6) I have no employees and business is conducted by me the home owner who is dwelling in the home

7) My business will not negatively impact the environment. I have little waste from my business, including occasional gloves, sanitizing wipes and laundry for pillow cases. We have solar panels on our house and our washer and dryer are electric.

8) No external alterations have been or will be made to the building.

9) No extra electrical equipment will be added to the current house for the business that would change the fire rating.

10) NA-not a kennel or breeding business

11) All equipment for the business is stored in the house or garage. There are no signs outside on the property. There is no need for outside storage of any kind for this business.

12) Business is conducted inside the house.

13) No production line equipment will be used.

14) No signs will be used.

15) In one day the most trips I ever plan to generate to and from my house would be 12 (6 clients in one day maximum).

a. Clients can park in our driveway, where there is one open space. I plan to see 6-12 one hour appointments per week, 8 on average. There will not ever be more than 6 clients in one day visiting the property for appointments, and on average 4 clients will visit twice per week. Clients will come one at a time and will not have more than one car parked for their hour appointment. The hours of operation will be primarily Tuesday and Thursdays from 9:30am-5:30pm, but I do plan to be flexible with my days. However, I again will not ever be coming close to the 20 car trips per day maximum for a level 2 home occupation. The neighboring houses will not be affected by cars taking up street parking. As a result, I will be conducting my business within the legally allotted car trips per day/week for a level 2 home occupation.

16) Again, because this a very part-time business there will be no significant increase in water use from occasional laundry of towels and pillow cases. And there will be no increase in sewer use, since patients will be encouraged to use restroom before coming to their appointment.

17) The home occupation is none of the following: Repair, building, or servicing of vehicles or boats; Antique shop or gift shop, Vet clinic or hospital, painting of vehicles/trailers/boats, large appliance repair, machine/sheet metal shop, martial arts/dance/aerobic studio, small engine repair, recreational marijuana facility, marijuana cooperative, or use of any hazardous chemical or other items which may potentially be hazardous to the surrounding area.

CITY OF ISSAQUAH
AFFIDAVIT OF OWNERSHIP

STATE OF WASHINGTON)
COUNTY OF KING)
CITY OF ISSAQUAH)

Sarah Kinsley Garrett Kinsley

I/we, being duly sworn depose and say, that I am (we are) the owner(s) of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief.

Owner's Signature	Date
<u>[Signature]</u>	<u>12/29/2021</u>
Owner's Signature	Date

[Signature] 12/29/2021

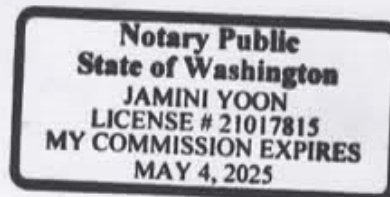
Mailings: <u>4637 189th PL SE, Issaquah</u>				
Street	City	State	Zip	
	<u>Issaquah, WA</u>		<u>98027</u>	
Phone: <u>253-820-2107</u>		<u>253-820-2107</u>		
Home	Business			

Sarah Kinsley and Garrett Kinsley

Subscribed and sworn to before me this 29th day of Dec, 2021

[Signature]

Notary Public in and for the STATE OF WASHINGTON, residing at
<u>Kenmore</u>



Revised May 6, 2011

CITY OF ISSAQUAH
AFFIDAVIT OF AGENT AUTHORITY

DECLARATION OF SERVICE OF MAILING

I, BRIAN D. MOSS, state and declare as follows:

That on the 23rd day of November, 2021, I deposited in the mail of the United States a sealed envelope containing a public hearing notice, decision or recommendation with postage prepaid addressed to the adjacent property and/or parties of record in the below entitled application or petition:

NOA: H021-00001 → Sarah Kinsley Physical Therapy
- Site map; Vicinity map

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed on the 23rd day of November, 2021 at ISSAQUAH, Washington.

BRIAN D. MOSS

Printed Name

Brian D. Moss

Signature

Valerie Porter

From: Nancy Kawai <ntkawai@hotmail.com>
Sent: Monday, November 29, 2021 12:33 PM
To: Valerie Porter
Cc: Nancy Kawai
Subject: Comment on File Number HO21-00001

Hi Valerie,

I am an adjacent neighbor to the Applicant at 4637 189th Pl SE, residing at 4633 189th Pl. SE. I have some commentary and questions.

If the business clients will only park on the resident owners' driveway and enter the business through their home, then I have no objections. However, if clients will be entering via the backyard gate between our two properties, then I am concerned about losing privacy in my side/back yard and the potential impact on the resale value of my home. Note that I have windows facing that side of the house. If the side gate will be used by clients, then at minimum, I request the Applicant build full-height fencing between our two houses to separate the side yards, expanding on the existing post next to their gate. This would better delineate the properties and protect my privacy. Here are my other questions:

What are the hours of operation of the business? Will the hours be restricted to weekdays only ca. 8- 5, or will there also be evening hours or weekend hours?

How many clients per day or week would be expected? Will the number of providers be restricted to just the property co-owner, or is there potential to add providers that would increase the hours/number of clients?

I am open to discussing this directly with the owners.

Thank you,

Nancy Kawai
(425)394-8308 mobile
ntkawai@hotmail.com

Valerie Porter

From: Cooper Moo <cooper@moomail.us>
Sent: Tuesday, November 30, 2021 11:10 AM
To: Valerie Porter
Subject: File number: H021-00001

Hi Valerie,

Reference is made to the application notice received from Sarah Kinsley regarding a physical therapy business to be run from her home at 4637 189th Pl SE in the South Lake Sammamish neighborhood of Meerwood.

I'm the president of the Meerwood HOA so am receiving questions and opinions on the application. May I ask you to weigh in on a couple of questions? Please know I have no position on the application at this point, I'm only gathering information.

1. If the city approves the application can the HOA take any action to stop? Or does city ruling override the HOA?
2. Can the city impose restrictions such as "approved only if parking is contained to the resident's driveway" as opposed to street parking? There has been some concern around crowding the street with parking.
3. Do complaints by neighbors / residents of Meerwood move the application into a discussion period so we have longer than the deadline of December 7th to discuss?

Years ago we did take action with the city to deny a home-based school within the Meerwood neighborhood. The traffic was just too much, was dangerous, and uncontrolled. Neighborhoods are not well set up for commercial traffic as you know. It may be that a physical therapy business would have far less traffic, but the board is cognizant of setting a precedent that could create future problems.

Thank you.

Cooper Moo
cooper@moomail.us
425-765-8755

Valerie Porter

From: Mike LAVELLE <mgl005@comcast.net>
Sent: Thursday, December 2, 2021 3:12 PM
To: Valerie Porter
Subject: Lavelles response to Notice of Application HO21-00001
Attachments: Proposed Business Project Meerwood Neighbor.pdf; Lavelles Response HO21-00001.pdf

Valerie thank you for your explanation of the Notice of Application process. I have attached a pdf file of our (my wife Jane and I) response.

Please feel free to contact us for any questions of clarifications at the provide number below. Also would your confirm you have received the attached files and could open them for viewing.

Thank you, .

Mike & Janet Lavelle
425-208-6154

Valerie Porter

From: Nancy Kawai <ntkawai@hotmail.com>
Sent: Friday, December 3, 2021 10:55 PM
To: Valerie Porter
Subject: Re: Comment on File Number HO21-00001

Hello,

Thank you for forwarding the letter. It has answered my questions. My only request is that the clients access the backyard through the gate on the side of #4641, and not the gate on my side of the property (#4633). That gate is much farther forward and should not cause privacy issues with the other neighbor, unlike the gate on my side. Otherwise, I have no other concerns about the business going forward.

Best Regards,
Nancy Kawai

From: Valerie Porter <Valeriep@issaquahwa.gov>
Sent: Friday, December 3, 2021 10:48 AM
To: Nancy Kawai <ntkawai@hotmail.com>
Subject: RE: Comment on File Number HO21-00001

Hello,

The attached document was provided by the applicant. Please review and let me know if you have additional questions or comments.

Thank you,

Valerie Porter
Associate Planner

City of Issaquah
Community Planning and Development Department
Office: 425-837-3100
Direct: 425-837-3094
www.issaquahwa.gov

Disclaimer: The above comments rely on certain assumptions and do not consider all factors which may impact development on the property, including the State Environmental Policy Act (SEPA), traffic and water requirements, fire codes, building codes, etc. In addition, the specific development regulations referenced above may be amended. You should consult with professionals regarding your situation to verify all conclusions are based on the same set of assumptions as the city.

From: Nancy Kawai <ntkawai@hotmail.com>
Sent: Monday, November 29, 2021 12:33 PM
To: Valerie Porter <Valeriep@issaquahwa.gov>
Cc: Nancy Kawai <ntkawai@hotmail.com>
Subject: Comment on File Number HO21-00001

Hi Valerie,

I am an adjacent neighbor to the Applicant at 4637 189th Pl SE, residing at 4633 189th Pl. SE. I have some commentary and questions.

If the business clients will only park on the resident owners' driveway and enter the business through their home, then I have no objections. However, if clients will be entering via the backyard gate between our two properties, then I am concerned about losing privacy in my side/back yard and the potential impact on the resale value of my home. Note that I have windows facing that side of the house. If the side gate will be used by clients, then at minimum, I request the Applicant build full-height fencing between our two houses to separate the side yards, expanding on the existing post next to their gate. This would better delineate the properties and protect my privacy. Here are my other questions:

What are the hours of operation of the business? Will the hours be restricted to weekdays only ca. 8- 5, or will there also be evening hours or weekend hours?

How many clients per day or week would be expected? Will the number of providers be restricted to just the property co-owner, or is there potential to add providers that would increase the hours/number of clients?

I am open to discussing this directly with the owners.

Thank you,

Nancy Kawai
(425)394-8308 mobile
ntkawai@hotmail.com

Valerie Porter

From: Cooper Moo <cooper@moomail.us>
Sent: Friday, December 3, 2021 8:27 AM
To: Valerie Porter; CPD [External]
Subject: Re: File number: H021-00001 - Sarah Kinsley business application
Attachments: Meerwood HOA S.Kinsley Letter 12.4.21.docx

Hello Valerie,

Further to my below inquiry, please see the attached letter sent to Sarah Kinsley advising the Meerwood HOA CC&Rs specifically prohibit in-home businesses. I have included the text below as well.

Meerwood's CC&Rs are publicly available online at www.meerwoodhoa.com. As recently as last month, all Meerwood HOA members, including Ms. Kinsley, were made aware of the CC&Rs availability on our website in a letter sent by the board. Respectfully, Ms. Kinsley could, and probably should, have known her proposal for an in-home business would be in violation of the HOA's CC&Rs.

For the sake of clarity, the Meerwood HOA board is asking the city to not grant the requested business license to Ms. Kinsley. As mentioned in the letter, as recently as 2013, Meerwood residents and the board had to close an in-home business in Meerwood. A repeat of this action can be avoided by the city denying Ms. Kinsley's application.

Please contact me with any questions.

Thank you.

Cooper Moo
President, Meerwood HOA Board of Directors
cooper@moomail.us
425-765-8755

December 3, 2021

Sarah Kinsley

4637 189th Pl Se

Issaquah, WA 98027

Meerwood Homeowner's Association

P.O. Box 224

Issaquah, WA 98027

Dear Sarah,

It has come to the attention of the Meerwood Home Owner Association's board of directors that you have applied to the City of Issaquah for a license to operate an in-home business at 4637 189th PL SE. We regret to inform you in-home businesses are prohibited by Meerwood HOA's Covenants, Conditions, and Restrictions. Specifically, section 4.1 under Article IV RESIDENTIAL AREA COVENANTS reads:

4.1 Land Use. No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single family dwelling not to exceed three stories.

The Meerwood Homeowner Association's Covenants, Conditions and Restrictions are publicly available at: <http://www.meerwoodhoa.com/> It is the board's responsibility to enforce the CC&Rs.

There is not a reasonable likelihood the prohibition of home-based businesses will change. Amendments to the CC&Rs require approval by at least two-thirds of the Meerwood HOA members. As recently as 2013, Meerwood HOA members have shown their support of prohibiting of in-home businesses by working with the board to close an in-home business located in a Meerwood property.

The board is obligated to take action against members who violate the CC&Rs. These actions may include levying fines and/or placing a lien on a property. The lien remains until the property is no longer in violation of the CC&Rs and the fines have been paid.

We ask you to understand the board is not taking unilateral action or singling out your proposed in-home business. We are enforcing the CC&Rs in the interests of the Meerwood community.

Please acknowledge receipt of this letter by email at: meerwoodhoa@gmail.com

Thank you.

Meerwood HOA Board

Cooper Moo, President

Craig Jorgensen, Vice President

Gretchen Burks, Treasurer

Mary Victory, Secretary

Brian Kearns, Member-at-Large

On November 30, 2021 11:09 AM Cooper Moo <cooper@moomail.us> wrote:

Hi Valerie,

Reference is made to the application notice received from Sarah Kinsley regarding a physical therapy business to be run from her home at 4637 189th PI SE in the South Lake Sammamish neighborhood of Meerwood.

I'm the president of the Meerwood HOA so am receiving questions and opinions on the application. May I ask you to weigh in on a couple of questions? Please know I have no position on the application at this point, I'm only gathering information.

1. If the city approves the application can the HOA take any action to stop? Or does city ruling override the HOA?
2. Can the city impose restrictions such as "approved only if parking is contained to the resident's driveway" as opposed to street parking? There has been some concern around crowding the street with parking.
3. Do complaints by neighbors / residents of Meerwood move the application into a discussion period so we have longer than the deadline of December 7th to discuss?

Years ago we did take action with the city to deny a home-based school within the Meerwood neighborhood. The traffic was just too much, was dangerous, and uncontrolled. Neighborhoods are not not well set up for commercial traffic as you know. It may be that a physical therapy business would have far less traffic, but the board is cognizant of setting a precedent that could create future problems.

Thank you.

Cooper Moo
cooper@moomail.us
425-765-8755